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May 23, 2023

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VIA ECF

Honorable J. Paul Oetken
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 706
New York, New York 10007

Re: *Levin v. Bank of New York, et al.*, Case No. 09 Civ. 5900 (JPO)

Dear Judge Oetken:

As the Court is aware, our firm represents Dr. Lucille Levin and Suzelle M. Smith, Trustee of the Jeremy Isadore Levin 2012 Revocable Trust, as amended, and Trustee of the Lucille Hare Levin 2012 Revocable Trust, the real parties in interest, (together “the Levin Judgment Creditors”) in the above referenced action. On March 18, 2022, Plaintiffs served interrogatories on JPMorgan Chase Bank, N.A. and JPMorgan Chase & Co. (collectively “Defendant JPMorgan”) requesting that it update its discovery responses of October 22, 2020 to identify any accounts which have been frozen under any Office of Foreign Asset Control (“OFAC”) regulations relating to the Islamic Republic of Iran and its agencies and instrumentalities (“Iran”), and any Electronic Funds Transfers (“EFTs”), which fall under the exceptions to EFT immunity. On April 8, 2022, the Levin Plaintiffs received JPMorgan’s updated discovery responses (followed by a spreadsheet of blocked assets on May 19, 2022) and from those responses have identified an asset that meets the aforementioned criteria (“The New Iranian Blocked Asset”). Plaintiffs have completed their independent investigation of The New Iranian Asset, including consultation with an expert, and are now ready to move forward to collection of The New Iranian Asset to satisfy the Levin Judgment Creditors’ partially unsatisfied judgment against Iran. The New Iranian Asset is not a product of an EFT.

Therefore, the Levin Plaintiffs now file a Motion for Leave to File a Supplemental Complaint seeking turnover of the identified asset. The Levin Plaintiffs’ proposed

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Supplemental Complaint is attached as Exhibit 1 to this Motion. Exhibit D to the Supplemental Complaint identifies the new asset from the information provided in Defendant JPMorgan's discovery responses.

On August 6, 2010, this Court issued an order stating that certain information at issue in this case, including any responses to subpoenas, interrogatory answers, or other documents produced in this action, could only be filed under seal; and that publicly filed documents containing such information had to be redacted. Dkt. 238.

Paragraph 2(E)(ii) of Your Honor's rules on individual practices in civil cases requires that a party shall file a letter motion seeking leave to file any documents under seal or in redacted form. Therefore, the Levin Judgment Creditors ask the Court's permission to file the enclosed Motion for Leave to File a Supplemental Complaint documents under seal.

Pursuant to Your Honor's local rules, filed concurrently with this letter are (1) one full set of the documents, filed publicly and redacted, and (2) one full set of the documents, filed under seal with proposed redactions highlighted. An electronic courtesy copy of the unredacted filing will also be sent to Your Honor's chambers email address.

All counsel of record will receive service of this letter through ECF.

Very truly yours,

/s/ Suzelle M. Smith

Suzelle M. Smith

Counsel for Plaintiffs, the Levin
Judgment Creditors

SMS:ep

cc: All Counsel of Record (by ECF)

Application to seal as filed is granted.

SO ORDERED:

5/24/2023



HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE